

*In re the Mental Health of C.R.C.*, 2009 MT 125: In which we learn how many of the Justices believe that defense counsel waiving his client's right to contest the State's petition and stipulating to her commitment against her wishes is a problem. The answer is of course only one. As Star Wars puts it, "It is a dark time for the Rebellion." This decision modifies *K.G.F.* to hold that counsel can be effective even when he waives his client's trial rights against her wishes and independently advocates for her commitment so long as the client is so obviously in need of help that "the most effective assistance possible [is] to provide the court and hospital authorities with arguments for appropriate treatment of her mental illness." Effective assistance of counsel in DI cases no longer requires counsel to oppose commitment if commitment is in the client's "best interests." Nelson's dissent, which mirrors a frustration held by many a public defender, concludes, "Sadly, history and experience teach us that the courts will always be able to find a rationale supporting the result sought to be achieved—involuntary commitment." This case hits hard because the defense attorney here betrayed the core ideal that we are the only ally most of our clients have and that our job is to fight *for them* when all the rest of the world is against them. The critical question that all of us must ask ourselves in the wake of *C.R.C.* is: Is this decision merely a blip on the radar, narrowly limited to these facts -- or is it, instead, a harbinger of lower standards yet to come?